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ABSTRACT

Intended for parents (or surrogate parents) of children with disabilities in Arizona, this handbook explains rights and procedural safeguards under federal and state laws. Section 1, an introduction to special education, is followed by a section on parent rights in relation to the Individuals with Disabilities Education Act, initial evaluation, initial special education placement, confidentiality of student records, contents of prior written notice to parents, due process hearings, and attorneys' fees. Sections 3 and 4 describe 12 steps of student evaluation and placement including: (1) screening, (2) referral, (3) parental consent for evaluation, (4) student evaluation, (5) the multidisciplinary team meeting; (6) review of evaluation results; (7) the Individualized Education Program (IEP), (8) student placement in a special education program; (9) delivery of special education services; (10) semester progress reports; (11) annual IEP reviews; and (12) reevaluation for continued eligibility. Sections 5 and 6 discuss residential placement and the parent role. Section 7 addresses the importance of the child's school records and section 8 considers avenues, such as local, state, federal, and civil court, when the parent has concerns. The final section identifies other available resources, offers a glossary of terms, and lists relevant organizations and national toll-free numbers. Also included is a summary explanation of procedural safeguards. (DB)

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Learning Your Rights and Role in Special Education Services

Arizona Department of Education

Exceptional Student Services

Revised August 1995

Arizona Department of Education

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Introduction

This handbook is intended to help you understand your educational rights as a parent of a child who may need or is receiving special education services. Federal and State laws entitle you to certain rights as a parent of a child who may need or is receiving special education services. If you are appointed as a surrogate parent for a child who may need or is receiving special education services, you have the same educational rights as any other parent. These educational rights are often referred to as *procedural safeguards* because certain steps must be followed when special education services are involved. Answers to questions asked most often are included in Section 9, and places to call for more information are on the back cover page.

No two children learn alike or have the same *educational needs*. Some children who need extra help at school in order to learn may need special education services. Such services include specialized instruction, related services, or ancillary services which are provided by specialists (in addition to regular classroom instruction). The goal of these services is to help children make progress in the classroom or other educational setting.

There are many steps that must be followed in deciding whether your child's *educational needs* should be met by providing special education services. Every attempt is made to meet a child's needs in the regular classroom. Checks and balances are built into the required steps and a team approach is used to guarantee that only those children who need special education will receive services. For more specific information, refer to the printed resources listed in Section 9-B.

We know that children benefit more from their education if their parents are involved and well informed. If your child is eligible for special education services, you are an important team member in planning your child's program. As a team member, it helps if you understand the evaluation and placement process for special education, your rights, and how you can be involved in your child's program.

Special education has a lot of special terms. A parent's dictionary of terms is included in Section 9-D. You will notice that the terms *appropriate* and *educational needs* are used often because the team is required to focus on your child as an *individual* when making decisions rather than designing programs based upon a group of children. This is what makes special education *special*. What is considered *appropriate* for one child may not necessarily be *appropriate* for another child even if they are the same age and have been diagnosed as having the same disability. Remember, no two children are identical, so their *educational needs* will not be identical either. The information presented in this booklet applies to children with disabilities ages 3 years through 21 years of age.

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Section 1:

What is Involved in Special Education?

A. Why might my child need Special Education?

A child's developmental and educational progress should be watched closely. If your child is not making average progress, he or she may be eligible for extra help through special education services in order to make progress.

Children who have difficulty with learning, speaking, understanding, moving, seeing, hearing, or behaving may have a disability that is causing the difficulty. If one of these difficulties seems to be the reason for a child's poor progress, the difficulty may be called a *suspected disability*.

Children with such difficulties may need an evaluation of the areas related to the *suspected disability* to determine if: 1) there is a disability; *and* 2) whether the disability affects the child's educational performance. If a disability exists and a child needs more help than the regular classroom teacher(s) or parents (for preschool students) can provide, the child may need special education services in order to make progress in school.

Some children may need special education services only for a short time until they can make satisfactory progress. Other children may need special education services every year in order to make progress.

B. What is included in Special Education?

Special education includes specialized instruction or specialized services designed to meet a child with a disability's unique *educational needs* which cannot be met by the regular classroom teacher(s) or by the parent for preschool students. These services will be provided through the school district at no cost to parents.

Not all children who have difficulty at school or with learning need special education services. Certain steps must be followed to determine whether a child is eligible for special education services. The detailed process for determining whether a child is eligible for services is included in Section 3.

Before a child can receive any special education service, the child must be determined *eligible* according to an evaluation. The evaluation must assess all the areas related to the *suspected disability*. In order for a child to be considered *eligible*, the initial evaluation results must meet eligibility criteria (both in the state definition and evaluation data) for **at least one** of the disability classifications listed below:

Autism (A)
Emotional Disability (ED)
Hearing Impairment (HI)
Mild Mental Retardation (MIMR)
Moderate Mental Retardation (MOMR)
Multiple Disabilities (MD)
Multiple Disabilities/Severe Sensory Impairment (MD/SSI)
Orthopedic Impairment (OI)
Other Health Impairments (OHI)
Preschool-Moderate Delay (PMD)
Preschool-Severe Delay (PSD)
Preschool-Speech/Language Delay (PSL)
Severe Mental Retardation (SMR)
Specific Learning Disability (SLD)
Speech/Language Impairment (SLI)
Traumatic Brain Injury (TBI)
Visual Impairment (VI)

Supplementary Aids and Services:

Supplementary aids and services are for children who **do not need** specialized instruction from a special education teacher, but who do need **indirect special education support** to make progress in the regular classroom. Children may receive supplementary aids or services from specialists, but receive all instruction within their normal environment or from their regular classroom teacher(s).

Children who need supplementary aids and services must have an evaluation which indicates that they meet eligibility criteria for at least one of the disability classifications listed in Section 1-B. They also need an Individualized Education Program with goals and objectives for the supplementary services as well as a placement statement. *Supplementary aids and services may include:*

> braille and low vision aids
> consultant services (to help the regular classroom teacher with the child)
> assistive technology (devices and/or services)

Ancillary Services:

Ancillary services are designed to give **direct special education support** to children who **do not need** specialized instruction from a special education teacher. Children may receive ancillary services from specialists, but receive all instruction within their normal settings.

Children who need ancillary services must have an evaluation which indicates they meet the eligibility criteria for at least one of the disability classifica-tions listed Section 1-B. They also need an Individualized Education Program which includes goals and objectives for the ancillary service as well as a placement statement. *Ancillary services include:*

> full time teacher's aide
> orientation and mobility training for the visually impaired
> physical therapy
> occupational therapy
> interpreter for the deaf
> assistive technology

3. ***Specialized Instruction (special teaching methods)***

Children who need **direct** specialized instruction receive instruction from a teacher with special training and experience. The teacher should be *appropriately* skilled for the specialized instruction provided.

Specialized instruction is provided to students who meet the evaluation and eligibility criteria for at least one of the disability classifications listed in Section 1 B and must have an Individualized Education Program with appropriate goals and objectives. Specialized instruction may be provided in a regular class, resource class, self-contained class, special school, private school, a hospital, or in the home.

4. ***Related Services:***

As part of the specialized instruction, some students may also need to receive related services in order to benefit from their specialized instruction. Related services are provided to support *educational needs* **only**. A child who needs related services must have an evaluation and Individualized Education Program with goals and objectives for the related service he or she needs as well as a placement statement. *Related services may include (but are not limited to) the following:*

> adaptive physical education
> assistive technology
> counseling services
> speech therapy
> physical therapy
> medical services
> parent counseling and training
> school health services

> psychological services
> audiological services
> occupational therapy
> social work services (in schools)
> specialized transportation
> interpreter for evaluation
> recreational therapy
> rehabilitation counseling

C. **Who gets special education?**

Children may receive special education services if:

1. they have an initial evaluation which meets eligibility criteria for one of the disability classifications in Section 1-B; **and**
2. they need specialized instruction or specialized services in order to make developmental or educational progress.

Three major steps are required in documenting a child's eligibility before any special education services can be provided to your child:

1. an initial evaluation;
2. development of an Individualized Education Program (IEP); and
3. an initial placement statement which indicates the parent's consent to provide special education.

Special education services are available for any eligible child who:

1. lives at home, in a foster home, or group home;
2. lives in a state institution;
3. lives in a private residential school;
4. attends a public school;
5. attends a private or parochial school;
6. is in a hospital;
7. is confined to his/her home due to the disability; or
8. is placed in a private school by any state agency in Arizona.

Section 2:

What are my rights as a parent of a child who may need special education services?

State lawsand the state constitution state that all children have a right to receive a public education. There is also a federal law that requires schools to follow certain rules and steps in finding and helping children who need special education in order to learn. These rules protect the rights of children through their parents. They are often called *parents' rights* which are found in *procedural safeguards* in regulations because they protect the child during each step required.

The Individuals with Disabilities Education Act (IDEA) was passed by Congress in 1990 as a continuation of the Education for the Handicapped Act (EHA) passed in 1975. This law states that all children ages three through twenty-one, with specific disabilities, have a right to a *free appropriate public education in the least restrictive environment.*

A. **Rights of Individuals with Disabilities Education Act (IDEA) P.L. 101-476**

1. eligible children aged 3-21 must receive a free appropriate public education **at no expense to the parents** (this may include placing a child in a private, or residential special education school in some cases, {see section 5});

2. the right to receive instruction or services specially designed to meet the child's individual *educational needs* as written in the Individualized Education Program (IEP);

3. the right to be educated with nondisabled children whenever appropriate and to attend a school which is as close as possible to their home school;

4. the right to an educational placement that is based on an evaluation of that child's *educational needs*;

5. the right to a full range of educational services that may include related services such as counseling, transportation, speech/language therapy, occupational therapy, or physical therapy, etc.;

6. the right of parents (or guardians) to be included in making decisions about their child's *educational needs* and the educational program for their child;

7. the right of parents (or guardians) to appeal any decisions made about the identification, evaluation, placement, or provision of a free appropriate public education for their child through a due process procedure; and

8. the right of the eligible child to be educated, to the maximum extent appropriate, in the *least restrictive environment* (LRE). This means that special education services will be provided in the setting in which the child would be served if not disabled, to the extent appropriate, and with nondisabled children.

B. Parents' Rights Regarding Initial Evaluation (Procedural Safeguards)

Certain rights must be orally explained to you and given to you in writing in your native language (or other mode of communication) before you give written consent for an initial evaluation.

You have the right to know:

1. the reasons for the need to evaluate your child (or not evaluate your child, if that is the case);

2. the general types of tests to be used regarding native language proficiency;

3. that your child will not be initially evaluated for special education services without your written consent (unless the school obtains a court order or has a due process hearing and the decision orders that an evaluation be done without your consent);

4. that you can request the school to do additional testing, if you disagree with the results;

5. that if you disagree with the school's evaluation, you may obtain an outside (independent) educational evaluation. You should inform the district that you are seeking an outside evaluation. The outside (independent) educational evaluation will need to meet the same requirements as the school district's evaluation. These requirements are available from the district. In response, the district **may either** reimburse you for the outside educational evaluation, **or** initiate a due process hearing. The aim of the hearing would be to determine whether the school district's

evaluation was appropriate. If the hearing decision rules in favor of the school's evaluation, you will have to pay the expense of the outside evaluation.

6. that your child will not be initially placed in special education without your written consent (unless the school obtains a court order or has a due process hearing and the decision orders that your child be placed without your consent);

7. that all of your child's educational records will be kept confidential, but you have the right to review any educational records kept by the school on your child;

8. that more than one test must be used in the evaluation;

9. that your child will be evaluated by a multidisciplinary evaluation team (MET), including a specialist in the area of *suspected disability*; and

10. that you can request a due process hearing for any concerns about the referral, identification, evaluation, placement, written notice, or services for your child.

When you give written consent, that means you have been fully informed of all the information about the request to initially evaluate your child and you agree to have your child evaluated. During the initial evaluation process, your consent is voluntary and may be revoked.

C. **Parents' Rights Regarding Initial Placement (Procedural Safeguards)**

Certain rights must be orally explained to you and given to you in writing in your native language (or other mode of communication) before you give written consent to place your child in special education for the first time.

You have the right to know:

1. the reasons why the school wants to place your child in special education (or the reasons why not to place your child, if that is the case);

2. that your child will not be initially placed in special education without your written consent;

3. that prior to the initial placement in special education, your consent is voluntary and may be withheld or withdrawn;

4. that you have a right to have an outside (independent) evaluation reviewed and considered prior to making the decision to place (or not to place) your child in special education;

5. that your child will be placed in the *least restrictive environment* based on his/her *educational needs* shown on the IEP and will be educated with children without disabilities to the maximum extent appropriate;

6. that your child will not be removed from the regular classroom for special education services unless additional instructional aids and services have been tried but were not helpful;

7. that to the maximum extent appropriate, your child will attend the school closest to his/her home and/or the school he/she would attend if special education was not needed;

8. that your child has a right to participate with children without disabilities during non-instructional time (such as during meals, clubs, athletics, sports, etc.);

9. that you can request a due process hearing for any concerns about the referral, identification, evaluation, placement, written notice, or services for your child.

When you give written consent, that means you agree that you have been notified of all the information regarding the decision to place your child in special education and you agree to have your child placed in special education.

D. Parents' Rights Regarding Confidentiality of Student Records

School districts assume that each parent has the right to inspect or review his/her child's school records. You should notify the district if the other parent is not allowed these rights due to a court ruling or decision. Be prepared to give the district a copy of the ruling or decision. Your rights about reviewing and releasing your child's school records include:

1. the right to inspect or review your child's records and have school staff explain those records (within 45 days of your request);

2. the right to have your representative inspect or review your child's records and have school staff explain those records (within 45 days of the request);

3. the requirement that the school get your written consent before releasing your child's school records to persons who are not on the school's list of persons allowed to review records without your written consent. Others must list their name, date of access, and purpose for reviewing the records. For students who move, the school board policy may allow the transfer of records to receiving school districts without your consent;

4. the requirement that your child's school records will only be reviewed for educational purposes and school staff will keep records confidential and safe;

5. the right to request that information you consider to be incorrect or misleading be removed or amended from your child's records (If the school disagrees with your request, a hearing may be held. If the hearing confirms the record is correct, you may add a statement of your disagreement to the record. Your statement to the record is part of your child's permanent record, and if the information you disagree with is released, the district **must also** release your statement of disagreement) ;

6. the right to inspect only your child's records (If these records contain information about other students, it will be removed **before** you inspect your child's records);

7. the right to obtain copies of records from the school (the school may include a copy fee as long as the charges do not prevent you from getting copies);

8. the right to obtain copies without a fee for search and retrieval of the educational records; and

9. the right to be notified before information in your child's records is to be destroyed.

E. Contents of Prior Written Notice to Parents (Federal Regulations: 34 CFR 300.505)

In order for parents to be fully informed of what the school intends to do regarding any special education service for their child, the school is required to provide the parents with a written notice **prior** to providing the particular service. This *prior written notice* is a formal procedure that allows parents the opportunity to have further explanation **prior** to the service beginning; or a chance for the parent to respond to the school if they disagree.

If the parents do not respond, the school may start with the service indicated in the *prior written notice*. If the parents disagree, it is their responsibility to inform the school. Putting it in writing is recommended.

It is also recommended that a meeting be held to discuss related issues or to negotiate if applicable. The mediation process and due process hearing are options for ultimately resolving conflicts related to the service outlined in the *prior written notice*.

If the parents request a special education service or a change in existing services and the school denies the request, it is considered a "refusal". When a school essentially "refuses" a request from parents for a major special education service or change in services, the school is required to provide the parents with a *prior written notice* explaining their reasons for refusal. See the requirements for contents of the *prior written notice* below.

a) The notice under Sec. 300.504 must include--

(1) A full explanation of all of the procedural safeguards available to the parents under Sec. 300.500, Secs. 300.502-300.515, and Secs. 300-562-300.569;

(2) A description of the action proposed or refused by the agency, an explanation of why the agency proposes or refuses to take the action, and a description of any options the agency considered and the reasons why those options were rejected;

(3) A description of each evaluation procedure, test, record, or report the agency uses as a basis for the proposal or refusal; and

(4) A description of any other factors that are relevant to the agency's proposal or refusal.

b) The notice must be--

(1) written in language understandable to the general public; and

(2) provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so.

c) If the native language or other mode of communication of the parent is not a written language, the State Education Agency (SEA) or Local Education Agency (LEA) shall take steps to ensure--

(1) that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication;

(2) that the parent understands the content of the notice; and

(3) that there is written evidence that the requirements in paragraphs (c)(1) and (2) of this section have been met.

F. **Parents' Rights Regarding Special Education Due Process Hearings**

You **or** the school district may request a due process hearing about the identification, evaluation, placement, written notice, or the provision of a free appropriate public education for your child. Each school district is responsible for holding the due process hearing, if requested. The school must follow the due process procedures which have been adopted by the school board. If you want to request a due process hearing, ask the district office to give you a copy of its due process procedures so you can follow the required steps. Your rights in a due process hearing **are the same** whether you request the hearing or the district requests the hearing. You have the following rights for an impartial due process hearing related to special education services:

1) the right to request an impartial due process hearing to challenge the district's referral, identification, evaluation, written notice, placement, or to challenge the district's plan for providing a free appropriate public education for your child;

2) the right to be informed of the procedures to follow in making a request for an impartial due process hearing (e.g., to whom, how, what to include in the request, timelines, etc.);

3) the right to be informed of any free or low-cost legal services available;

4) the right to have a hearing officer who is not employed by any public agency involved in the education of your child, or who otherwise has any personal or professional interest in the hearing (which could be considered a conflict of interest). The hearing officer is **not** employed by the district just because he/she is paid for being the hearing officer only;

5) the right to be advised and accompanied at the hearing by an attorney and to be accompanied by individuals with special knowledge or training in issues related to the disability;

6) the right to have the hearing open to the public;

7) the right to present evidence and confront, cross-examine, and require the attendance of witnesses;

8) the right to present the results of an outside (independent) evaluation that you or the school paid for as part of your evidence;

9) the right to prohibit the introduction of any evidence at the hearing that has not been disclosed at least five days before the hearing;

10) the right to obtain a written verbatim recording of the hearing at no cost to you;

11) the right to obtain written findings of fact and a written decision within 45 days after the initial request for the hearing at no cost to you;

12) the right to appeal the decision, within 35 days from a local due process hearing, to the Arizona Department of Education Hearing Appeals Officer and to receive a decision within 30 days of the filing of an appeal;

13) the right to have a hearing and an appeal set at a time and place reasonably convenient to you and your child;

14) the right to obtain a copy of the Appellate decision at no cost to you;

15) the right to appeal a decision from the Arizona Department of Education Hearings Appeals Officer to State or Federal civil court (There are no timelines for appeal to Federal court.);

16) the right to have your child "stay put" which means to remain in his or her present educational placement during the due process hearing and the appeal (beginning with the date the request for a hearing or appeal is filed) and during any other legal appeal, unless you and the district agree otherwise; and

17) the right to have your child present at the hearing.

As part of the hearing, the hearing officer may request that an outside (independent) education evaluation be done for your child. This outside education evaluation will be done at no cost to you (at public expense). It is the responsibility of the district to pay for the evaluation.

G. Rights Regarding Attorneys' Fees

A parent/guardian whose hearing or court action was decided in their favor may recover *reasonable* attorney's fees, subject to the following limitations:

1. fees must be comparable to fees awarded in other similar types of proceedings;
2. no bonus or multiplier may be used in calculating the fees (a bonus is sometimes added or a multiplier sometimes applied if the case involves substantial public questions, the issue is unusually difficult, or the attorney is exceptionally experienced, etc.); and
3. where the local school or Arizona Department of Education has not *unreasonably* protracted the controversy, and there is no finding of a violation of the procedural safeguards, the fees may be reduced if:

   > the parent/guardian *unreasonably* protracted the controversy,
   > the fees *unreasonably* exceed rates prevailing in the community, or
   > the time spent and legal services furnished were *excessive* considering the nature of the proceeding.

Section 3:

How is it decided that my child needs Special Education?

Before a child can be placed in special education, the major steps listed below, must be followed in exact order and within strict timelines. Steps 1-5 include the *identification process*: Steps 6-8 include the *placement process*, and Steps 9-11 include the *review process*:

Step 1: Screen for Suspected Disabilities (identification);

Step 2: Refer for Special Education Evaluation;

Step 3: Obtain Parental Consent to Evaluate (i.e., parent's consent to conduct an initial special education evaluation);

Step 4: Evaluate *Possible* Need for Special Education Services (team testing to determine eligibility for special education services);

Step 5: Hold Multidisciplinary Evaluation Team (MET) Meeting (to determine eligibility based on evaluation results);

Step 6: Review Evaluation Results in a Multidisciplinary Conference - "MDC" (team meeting to review evaluation results, eligibility, and explore the need for special education services with the parent);

Step 7: Develop an Individualized Education Program -"IEP" (meeting to develop a written plan for the child's individual educational needs);

Step 8: Decide How and Where Special Education Services will be Delivered (Placement Options/Least Restrictive Environment Decision);

Step 9: Deliver Special Education Services;

Step 10: Provide Semester Progress Reports (reports of the child's progress in reaching IEP goals and objectives);

Step 11: Review the IEP at least annually; and

Step 12: Reevaluate for Continued Eligibility for Special Education Services every three years.

-- Identification Process --

Step 1: <u>Screen for Suspected Disabilities (identification)</u>

Schools are responsible for actively locating, identifying (screening), and evaluating all children with suspected disabilities who are between the ages of three through 21. Schools are required to follow their written procedures for screening children in the areas of:

- > vision
- > speech/language
- > preacademic/ academic skills
- > self-help skills
- > hearing
- > motor skills
- > social-emotional development

All kindergarten and new students must be screened within their first 45 calendar days of school unless prior school records are available for review. If a screening shows a concern in any area (or suspected disability), the teacher, parents, or staff may refer the child to the administrator for further attention. **Children ages 3-5 must be screened within 30 calendar days of the date of the request to screen or "check" a child's development.**

Administrators may have a child screened again to make sure results from the first screening are accurate. All children are screened for possible hearing problems during kindergarten, first, second, sixth, and ninth or tenth grades. All children who receive special education services are screened for hearing problems each year, including hearing aid function if applicable

Step 2: <u>Refer for Special Education Evaluation</u>

Children may be referred for a special education evaluation if:

- > the screening results show an area of concern (or suspected disability); or
- > at any time during the school year, if staff or parents notice a child's performance or progress is extremely poor.

Parents will be informed in writing by the school within the first week their child is referred. **This does not mean the child will be evaluated.** It is a signal to parents that school staff are working to help the classroom teacher with other teaching methods or materials.

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Within 30 days of the date a child is referred, parents and the person who referred the child are notified as to whether an evaluation is needed or a referral for *other appropriate services* is needed (as in the Chapter I Program or English as a Second Language).

When parents request an evaluation and the school decides an initial special education evaluation **is not** needed, it must provide ***prior written notice*** to the parents stating the reasons and criteria used for the decision and informing parents of their rights to a due process hearing if they disagree. The ***prior written notice*** is described in Section 2-E. See Section 8 for recommended avenues to solve disagreements which may arise with the school.

Step 3: Obtain Parental Consent for an Initial Special Education Evaluation

If the decision is that your child needs to be initially evaluated, the school must get your written consent to evaluate within 15 calendar days of that decision. The school will send you a *prior written notice* (sometimes given with the Consent to Evaluate form) that will state the reasons your child needs to be evaluated, including the area of *suspected disability* and information about tests to be used. This form usually requests your signature giving consent for the school to evaluate your child.

The fact that your child needs an evaluation does not mean that he/she will automatically be eligible for special education services. The evaluation results must meet eligibility criteria for one of the disability classifications listed in Section 1. No one is recommended for special education services until the evaluation process is completed, which includes holding a meeting to discuss the results with you.

The school is required to fully explain your parental rights and give you a written copy of them before getting your written consent to evaluate. Your rights will most likely be given to you along with the consent form. Be sure to ask questions when you do not understand.

If you do not want your child initially evaluated, you can refuse to give consent. The school cannot evaluate your child without your written consent unless: **1)** it has a due process hearing and the hearing decision rules in favor of the school performing the evaluation; or **2)** the school asks for and receives a court order stating your child must be evaluated.

If you request that your child be evaluated, you still need to give written consent to evaluate. Your request for an evaluation should be made in writing. You do not have to wait 30 calendar days for the formal referral process to end before evaluating unless the district states so in a prior written notice. (If that is the case, you still have a right to due process). Otherwise the evaluation must still be completed within 60 calendar days from your consent.

Step 4: Evaluate Possible Need for Special Education Services (comprehensive educational evaluation)

The purpose of the evaluation is to gather as much information as possible about your child's performance in all areas related to the *suspected disability* and to find your child's specific *educational needs*. Past report cards, results from achievement tests and classroom performance are reviewed and compared with the tests given during the evaluation.

If you have a current evaluation that was done elsewhere, in the last 3 years, you will probably want to share it with the team before they begin evaluating. This information could be very valuable to the evaluators and may reduce the amount of testing to be done.

The evaluation will gather information specific to your child, which means it will:

- include tests that are designed and validated to identify the specific educational problems noted;
- be socially and culturally fair (in order to give a true picture of your child that is not based on racial or cultural background);
- be given in your child's own language or other mode of communication (or use an interpreter or tests that do not stress spoken language);
- be adapted according to any specific limits your child may have (such as visual, physical, or hearing impairments) to accurately show your child's aptitude and achievement levels;
- be given to your child alone instead of in a group setting;
- review your child's health and any physical problems; and
- use materials which also assess specific areas of educational need versus those which only give an intelligence quotient.

The evaluation may show your child has learning problems or *educational needs*. The evaluation will be performed by a team of specially trained professionals which has the responsibility to determine if your child is eligible. Unless the evaluation results meet eligibility criteria for one of the disability classifications, your child will not be considered eligible for special education services. In this case, the school may consider referring your child for other types of services or for help outside the school.

You are an important source of information for the evaluation team. You may be interviewed or asked to fill out a developmental history form. This information helps the evaluation team understand your child better. You should also tell the evaluators about any problems you or others have noticed about your child, which may be related to the area of suspected disability. This helps the evaluators choose tests for the areas of concern.

Step 5: Hold Multidisciplinary Evaluation Team (MET) Meeting

The evaluation is conducted by a team of specialists who assess your child's performance in all areas of *suspected disability*. Upon completion of all tests, reviews of performance, observations and interviews, the MET holds a meeting. The MET meeting is intended to determine whether your child meets the eligibility criteria for receiving special education services. Results of this MET meeting will be shared with you as part of the multidisciplinary conference (MDC).

Step 6: Review Evaluation Results (Multidisciplinary Conference - "MDC")

A meeting will be held with you and the multidisciplinary evaluation team after the evaluation is completed and within 60 days of the date you gave consent to evaluate. The purpose of the meeting is to:

> discuss evaluation results with you and notify you if your child is eligible for special education services; and
> determine if your child's "educational needs" require special education services.

It is important that you attend the multidisciplinary conference. You know your child best and need to share your own observations of your child.

Persons who are required to attend the MDC:

- an appropriate teacher;
- persons who evaluated your child or a person qualified to share evaluation results;
- parents; and
- others at the prior request of the parent or school (such as an interpreter, or advocate).

Others who may attend, and who should at least be consulted prior to the MDC may include:

- a principal/administrator;
- a special education administrator;
- a special education teacher;
- a teacher who has been teaching the child; or an appropriate specialist;
- persons involved in the language proficiency test (required to attend if the child is limited in English); and
- the child, if appropriate.

A written report of evaluation results must be completed within the 60 days of the date you gave written consent to evaluate. If you want to review the report and privately discuss results with evaluators before the MDC, contact your special education director. If your child is eligible, this can give you a chance to understand his/her learning problem or disability. You can also find out how your child learns best. Take notes to refer to later and ask questions when you do not understand.

If you disagree with the evaluation results, you may ask the school to do additional testing, ask for an outside (independent) educational evaluation, or request a due process hearing. See Section 2 on Parents' Rights for Initial Evaluation.

Section 4:

If my child needs Special Education, what happens next?

--Initial Placement Process --

Step 7: <u>Develop an Individualized Education Program - "IEP" (meeting to develop written plan specific to a child's individual educational needs)</u>

If the evaluation team decides your child is eligible for special education and needs special education services in order to benefit from his/herIndividualized Educational Program (IEP), a meeting to develop his/herIEP must be held within 30 days of the MDC. The IEP meeting is often held at the same time as the MDC so a child can receive services as soon as possible.

When the IEP meeting is scheduled, you will receive a written invitation asking you to attend. If you cannot attend at the scheduled time, contact the school to arrange another time. If you are unable to attend at all, the school is required to provide you a follow up by discussing the proposed IEP with you prior to providing special education services, which usually includes providing you with a copy of the IEP and documenting your review.

You are not required to give written consent for the IEP, but it must be a joint agreement of services to be provided. You also have the right to due process if you disagree with services being proposed or denied.

It is important for you to be part of the team for planning your child's program. You know your child best so your assessment of his/her strengths and needs are needed in developing the IEP. You and your child are *consumers* of special education services. If you understand the basics of the IEP, you should be able to tell whether your child is making progress.

Persons required to attend IEP meetings are:

- a representative of the school (other than the teacher), who is qualified to provide or supervise the provision of special education;
- a teacher/specialist who may be serving your child;
- a parent(s);
- the child, if appropriate;

- student and representative of participating agency, when transition services are being considered;
- the evaluator(s) for IEPs after an initial evaluation; and
- others at the prior request of the parent or school staff (such as an interpreter or advocate).

The IEP is not a lesson plan nor a legal contract. It should clearly outline:

- what your child's current skill level is;
- what your child's *educational needs* are;
- what services he/she needs;
- when services will begin and how long they will last;
- who will provide those services; and
- how progress toward meeting those needs will be measured.

The IEP has a variety of purposes. According to Appendix C of the Individuals with Disabilities Act, the IEP serves as:

- a communication vehicle between all parties;
- an opportunity to resolve differences;
- a written commitment of resources necessary to help a child succeed;
- a management tool designed to ensure special education services are appropriate to each child's *educational needs*;
- a compliance/monitoring document to measure whether a child is receiving an appropriate education based on his/her *educational needs* as shown on the IEP;
- an evaluation device to measure the extent of a child's progress; and
- an extension of the procedural protections granted in laws and rules.

The written IEP for all children should include:

- a statement of the child's present levels of educational performance (both strengths and needs);
- a statement of annual goals (what your child is expected to achieve in one school year);
- statements of measurable short-term objectives (steps to be taken to reach annual goals);

- objective criteria, evaluation procedures, and schedules for measuring your child's progress in reaching objectives;
- a statement of the specific special education and related services to be provided to the child (such as specialized instruction for reading and the amount of time);
- a statement of the needed transition services (if your child is at least age 16, or possibly at 14 years old);
- the projected dates the services will begin and end;
- a statement of whether the child will be educated in the school closest to the child's home (school he/she would attend if special education services were not needed);
- a description of the extent of the child's participation in regular education programs and extent of participation with non-special education students during non-instructional and extracurricular activities (such as meals, recess periods, athletics, clubs, referrals to other agencies, and employment); and
- for students whose primary language is other than English, the language of instruction must be stated.

If you have questions, ask them right away so you fully understand the IEP before you agree with it (although your consent is not required).

Step 8: <u>Decide How and Where Special Education Services Will Be Delivered and By Whom (LRE/Placement Options)</u>

The IEP should clearly list your child's *strengths and educational needs* plus goals and objectives to meet those needs. The team uses the needs listed on the IEP to decide which initial special education placement option is most appropriate for your child.

The types of special education services needed by your child depend upon his/her ability to make progress. For example, some children need a class with very few children in order to concentrate. Others may only need specialized materials to learn the same contents covered in the regular classroom(s).

The team will focus on your child's *educational needs*. They may review the information to see what types of attempts were made to improve your child's progress in the regular classroom(s). The team

will consider the possibility of whether your child's *educational needs* can be met in the regular classroom(s) with supplementary aids and services. They will consider the types of teaching methods and materials needed to help your child make progress.

The team will consider various placement options to determine how and where your child will receive services. These options are discussed to determine which option is the least restrictive environment (LRE) and the most appropriate educational setting for your child. The intent is to educate children who have disabilities with nondisabled children as much as possible. If your child needs specially designed instruction, he/she may need to leave the regular classroom for part of the day to receive services. If such a placement option is chosen, the IEP team is required to list reasons for providing services outside your child's regular classroom(s).

Children have different *educational needs* even though they may have been diagnosed as having the same disability. The reasons given for choosing a certain placement option should not be based on the child's disability (example: All children may not be automatically placed in self-contained classes solely because they have been determined eligible as a child with a severe disability).

When the placement option for your child is decided, reasons for that decision must be recorded to show what other options were considered, beginning with the most integrated (the regular classroom) to the least integrated (an institution) if appropriate.

Before getting your written consent for placement, your rights about special education placement will be orally explained and given to you in writing in your native language or mode of communication. You will be asked to give written consent for the initial placement on a form called the placement statement. Later placements do not require your consent, but the district is required to give you a *prior written notice* of what actions are intended and to remind you of your procedural rights.

Step 9: Deliver Special Education Services

Your child should begin receiving special education services as soon as possible from the date you give written consent for placement and not more than 30 calendar days from the date your child is determined eligible for special education.

It is recommended that you keep in close contact with your child's teacher(s) and specialist(s). You should keep staff informed of your

child's response to the special education services he/she is receiving. Some children may need help with adjusting to the change in their daily routine and may need you to talk with staff.

At any time, parents or school staff can request a meeting to review a child's IEP or placement. Parents must receive advance notice in writing before the school conducts such a review.

-- ***Review Process*** --

Step 10: <u>Provide Semester Progress Reports</u>

At least once each semester, you will receive a written report from your child's special education teacher or specialists. It will include your child's progress toward reaching his/her IEP goals and objectives.

It is important for you to stay informed of your child's progress with special education services so you can monitor whether the services are *appropriate* for your child. If your child is not making progress, you can request a meeting to review the IEP at any time.

Step 11: <u>Review The Child's IEP At Least Annually</u>

Once each year, an IEP meeting must be held to review your child's educational progress and to make revisions to the IEP or develop a new IEP, if necessary.

Before developing a new IEP, the current IEP must be reviewed to see which goals and objectives were reached. The IEP team must decide if any goals and objectives not reached should be continued or changed. You can request to see a draft of any *proposed* goals and objectives prior to the IEP meeting so you can better prepare for the meeting. If you have goals and objectives that you and your child would like to see added, be prepared to suggest these at the meeting.

After the revised or new IEP is developed, your child's placement will be reviewed. You do not need to give consent for continuing the same placement. If the placement must be changed to carry out the IEP, the school is required to give you ***prior written notice*** of the proposed changes **before** the change takes place.

If you disagree with the suggested *changes*, you may decide to request a due process hearing about the suggested changes. If you

request a due process hearing, your child will "stay put" in the placement that you and the district agreed upon. Section 8 lists the due process procedures and the other conflict resolution procedures you may follow.

If your child meets all of his/her IEP goals and objectives, he/she may no longer need special education services. An IEP team review of your child's placement is required. You should attend the review of your child's IEP. The school is required to give you ***prior written notice*** if the team suggests *changes* in your child's special education services, including termination of special education services. The school must meet with you to discuss the suggested changes **before** the *changes* are made.

Step 12: <u>Reevaluate for Continued Eligibility for Special Education Services</u>

For children who continue special education services, a reevaluation of the child's need for such services must be done at least every 3 years. The school is required to give you **prior written notice** of this reevaluation **before** it is done. You are not required to give consent for the reevaluation. An evaluation team must conduct a reevaluation of your child. You may ask to attend the review of reevaluation results.

The school is required to give you ***prior written notice*** if the team suggests *changes* in your child's eligibility for special education services or possible changes in your child's IEP. These changes must be discussed with you **before** the changes are made. Changes require an IEP team meeting to modify your child's IEP.

If you disagree with the suggested *changes*, you may decide to request a due process hearing about the suggested changes. If you request a due process hearing, your child will "stay put" in the placement that you and the district agreed upon. Section 8 lists the due process procedures and the other conflict resolution procedures you may follow.

Section 5:

What if my Child Needs Residential Placement?

Residential placement is defined in federal regulations and requires that "If placement in a public or private residential program is necessary to provide special education and related services to a child with a disability, the program, including non-medical care and room and board, must be at no cost to the parent of the child." [34 CFR 300.302] This requirement applies to placements that are made by the Local Educational Agency (LEA) for educational purposes, and includes placement in State-operated schools for children with disabilities, such as a State school for students with deafness or students with blindness.

The determination of whether a residential placement is necessary in order for the child with a disability to benefit from special education and related services is made by the Individualized Education Program (IEP) team after the team has established goals and objectives for the child's educational program and determined the amount of special education and related services required. Only then does the team consider the least restrictive environment where these services can be provided. Residential placement is part of the continuum of alternative placements that each school district must ensure is available to meet the needs of children with disabilities for special education and related services. The continuum must include instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions. "In selecting the least restrictive placement for an individual child with a disability, consideration is given to any potential harmful effect on the child or on the quality of services that he or she needs." [34 CFR 300.302(d)]

The Arizona Department of Education has ultimate responsibility for ensuring that each child with a disability is placed in an appropriate program in accordance with that child's IEP. This includes the child with a disability whose IEP team has determined that he or she requires residential placement in order to benefit from special education and related services.

Section 6:

What is my role as a parent?

As a parent, you have a vested interest in your child and can make a difference by sharing what has worked best with your child. Your involvement with the development of your child's program shows your child that you care about his/her education.The school needs and can appreciate your input. Below are some ideas for where to begin. A few suggestions for keeping involved are noted in the following:

Talk with your child's teachers or specialists often.They may be able to assist you with ideas for your child at home (such as developing self-control or listening skills). Remember to be positive and commend staff when progress is made. It is also helpful to brainstorm with them about goals for the upcoming school year and for the years after the student leaves school.

Attend all meetings and conferences as much as possible. It may help to bring your spouse or a friend. If you cannot make a meeting, ask that it be rescheduled so you can attend. Meetings should be held at a mutually agreed upon time and place.

Sometimes, parents are hesitant to attend IEP meetings or to be an active participant at the meetings. One of the reasons may be that they do not know what to say or do. The list below suggests way to start. (From Parents of Alabama - Center for Training)

Information You Can Share:

1. How your child interacts at home, in public, and with friends or relatives;
2. Special interests, abilities and hobbies of your child;
3. Techniques you use at home to motivate your child;
4. Discipline measures used at home; and
5. How your child's disability affects him/her and the family.

Responsibilities You Can Share:

1. Coordination of medical records and information;
2. Coordination of educational records and information;
3. Attending and participating in all meetings where your child's educational program is discussed;
4. Checking your child's progress on the goals and objectives on the IEP;

5. Practicing assertive communication skills, including good listening skills; and
6. Coordinating recreational and community activities.

Before meetings, you may want to review samples of your child's work, the current IEP, and any progress reports. Consider making a list of questions you have or suggestions you would like to make. Sometimes, it is helpful if you observe special education programs prior to an IEP meeting so you feel more familiar with services being proposed.

Go through the chain of command if you have questions or concerns. Start by talking to teachers first, then the principal, special education director, or superintendent. Use district forms for specific requests whenever possible.

Ask school staff to explain words, terms or procedures that are not familiar to you. Ask questions if you do not understand why your child needs help and what type of help is being given. Always put your requests for action in writing and keep a copy for your own records.

There are other agencies or groups in the community that offer options for your child and family. The school is responsible for *educational needs*, which may not include all your child's needs. You can learn more about working with the school or other services for your child by reading, talking to other parents, and attending local workshops or conferences. See the listing of parent organizations on the back cover of this booklet and resources listed in Section 9.E for further assistance.

Section 7:

Why are my child's school records so important?

School records are used to plan your child's program. Schools are required to send you certain notices in writing and reports to keep you informed. These give you an opportunity to be involved. Schools can provide written records which are vital to maintaining continuity in your child's educational program. These records are important in resolving any disputes that may arise. These records are often used to settle any concerns because a paper trail is left of the steps taken for your child's educational services. This paper trail is called *documentation*.

It is a good habit to keep copies of evaluation reports, IEPs, progress reports, and any important notices or letters that explain your child's educational history. You also need to keep copies of letters you send in case you have to send another copy or need to refer to it later. If possible, follow up after meetings with a letter or short phone call to confirm your understanding of the outcome of the meeting or decisions made.

During the years that your child goes to school, your family may move. The move may require your child to change school districts. If your child will be changing school districts, it is good practice to get a copy of your child's records before you move. The most important records to have are copies of your child's current evaluation, his or her current IEP, the initial placement statement, and any prior written notices for the past two years. By having these records in hand, it should make it easier for the new school district to provide any needed special education services to your child.

Section 8:

How do I take care of concerns I have about Special Education services?

A. **Local Avenues:**

For the child to get the most benefit from his/her education, it is best if parents and school staff work together in a partnership. This kind of communication fosters mutual respect for one another. Team members are more likely to openly discuss concerns as they arise if they talk to each other on a normal basis. It is difficult to speak openly if the only time people talk to one another is when problems arise. The team approach in problem solving should remain focused on the child's *educational needs*, which can build a good working relationship.

It is best to let the teacher, specialist, and/or principal know of your concerns as they arise instead of waiting until the problem becomes a crisis. This can allow solutions to be developed at the classroom or local level which is also usually the quickest route for addressing problems. The school staff who work with your child daily will most likely be involved in responding to your concerns or requests. Be sure to call or write the school to inform them of your concerns. If you want to discuss them in person, call first to arrange a meeting time.

If you cannot get satisfactory results at the building level (with teachers or principal), call or write your district's special education director or superintendent. They will usually ask if you have tried to resolve your concerns at the building level first.

If your concerns involve school district policy, procedures, or funding issues, you might need to call or write a letter to the school board president. You also may request to present your concerns at a local school board meeting, if appropriate.

You can request a due process hearing at **any time**, but it is recommended that you try solving issues at the local level first. Mediation may also be used to solve problems (See Section 8.B).

Due process hearings may be requested to settle disagreements about identification, evaluation, placement, or receipt of special education and related services. Often, the concerns revolve around whether a procedure, document, information, or service is

appropriate for a particular child. Hearings are used to get a formal decision from an impartial hearing officer. The decision of the hearing officer must be followed by all parties unless there is an appeal.

If the parent or school disagrees with the decision of the impartial hearing officer, they can make an appeal to the state Hearing Appeals Officer by contacting the Arizona Department of Education/Exceptional Student Services at (602) 542-3184 or 1-800-352-4558 within 35 days of the local hearing decision.

B. State Avenues

The following services are provided by the Arizona Department of Education/Exceptional Student Services (ADE/ESS) at no cost. Call (602)542-3184 or 1-800-542-4558.

ADE/Special Education District Consultants:
Consultants are assigned to school districts and are available to answer questions or help resolve concerns you may have. Be sure to ask for the consultant assigned to your school district because he/she is familiar with your district's staff, policies, and procedures.

ADE/Parent Support Services:
If you want to learn more about your child's disability, your rights or trainings available, call to request a parent packet or to talk to a parent consultant. Parents can receive self-advocacy training to help review their child's records, fully participate in meetings, to follow the chain of command, and learn avenues for appeal as well as pertinent resources.

ADE/ESS Complaint Investigations:
Complaint investigations are done by ADE/ESS staff for cases when someone believes a school district is not complying with laws or regulations. If you have concerns, you might want to discuss them with your ADE/ESS Consultant first. Complaints must be sent in writing to the ADE/ESS. A written report of the complaint investigation findings will be sent to the school as well as to the party who lodged the complaint within 60 calendar days of the receipt of the complaint.

Mediation Services:
Mediators are trained and assigned by the state to hold a private meeting between school staff and parents to

mediate concerns. Either the school or parents can request mediation, but both parties must agree to mediation before ADE/ESS assigns a mediator. They work toward a written mediation agreement which is used as an action plan to resolve the concerns. Mediation is not required before having a due process hearing, but is highly recommended.

Local Due Process Hearings:
For concerns involving identification, evaluation, placement, or receipt of special education and related services, you may request a due process hearing. Ask your district administrator to explain the district's due process procedures which you must follow. Due process hearings have formal requirements and procedures.

State Due Process Hearing Appeal/ Administrative Review:
If either the parent or school disagrees with the decision from a local due process hearing, they may appeal within 35 days to the ADE/ESS to have a state Hearing Appeals Officer review the decision. A decision from the state Hearing Appeals Officer is required to be given to both parties within 30 days of the date of the appeal.

C. Federal Avenues

Any outcomes from state level complaint investigation procedures may be appealed to the federal level for review or further investigation. You may send a written request for an appeal to:

Dr. Judith E. Heumann
Assistant Secretary
Office of Special Education and Rehabilitative Services
330 C Street S W/Suite 3006
Switzer Building
Washington, D.C. 20202-2500

U.S. Department of Education
Office of Civil Rights (OCR)
1244 Speer Boulevard, Suite 310
Denver, Colorado 80204

D. **Civil Court (lawsuit)**

Either parents or a school district may appeal the decision of a State Hearing Appeals Officer to Federal Court or State Court. The civil action will be handled through standard court procedures. There are no timelines on an appeal to these courts.

Section 9:

What Other Resources are Available?

A. What avenues exist for parents to provide input and assist in state planning for special education services?

Special Education Advisory Committee for Arizona
Committee members advise and assist the Arizona Department of Education/Exceptional Student Section with planning and oversight for implementing Arizona's State Plan for Special Education.
Contact: Dr. Kathryn A. Lund (602) 542-3084

P.A.L.S. (Parents Are Liaisons to Schools)
Schools from each region of Arizona nominate parents to: 1) provide ADE/ESS with feedback as consumers of special education services; 2) provide other parents in their region with current information on special education; and 3) form a parent information network for parents of special education students to encourage parent involvement.
Contact: Ms. Rita Kenison (602) 542-3852

Preschool Input Committee
Committee members advise and assist the Exceptional Student Services Unit with program initiatives, legislative requests, and *best practices* guidelines for preschool services for children with disabilities. This includes extensive interagency coordination and an annual conference.
Contact: Dr. Lynn Busenbark (602) 542-3852

Child Find Advisory Committee
Committee members advise and assist the state Child Find Coordinator with statewide planning for identifying all children ages birth through 21 years old who have suspected delays or disabilities. This includes extensive interagency coordination of public awareness efforts.
Contact: Ms. Rita Kenison (602) 542-3852

B. Where can I get more Information and Resources?

Special Education Mandates

Federal Laws: P.L. 101-476 Individuals with Disabilities Education Act of 1990 (IDEA) which amended P.L. 94-142 Education of the Handicapped Act (EHA)

Appendix C, part of P. L. 101-476 IDEA

P.L. 102-119 Amended P.L. 99-457 of IDEA (infants, toddlers and preschool services)

Section 504 of the Rehabilitation Act of 1973

Family Education Rights and Privacy Act (FERPA also called the Buckley Amendment)

State Law: Arizona Revised Statutes - Title 15

State Board of Education: Arizona Administrative Code (Rules and Regulations, AAC R7-2-401 - 405)

Local School Board: Special Education Policies and/or Procedures on:

> Graduation/Promotion
> Suspension/Expulsion
> Pupil-Teacher Ratio
> Confidentiality of Student Records
> Due Process Procedures
> Child Identification (public awareness, screening and referral)
> Least Restrictive Environment (LRE)
> Individualized Education Programs (IEP)

Other Sources:

> Court Decisions/Case Law
> Attorney General's Opinions
> U.S. Office of Special Ed. Programs Letters of Clarification.

C. What questions will help me understand my child's Special Education Program?

The best way to learn more about your child's education is to ask questions. Remember, there is no such thing as a bad question.

Here are a few questions you may want to ask. Write down any others you may have as well as the answers you receive.

> What specifically do you want to test? Why? How? When?

> What does special education mean?

> What are related services?

> What do these test scores mean?

> What has the school/teacher already tried to help my child in the regular class?

> How long will the special education service be needed?

> What do attention-span problems mean? Reading Comprehension? Flexibility? High Frequency Loss? Processing Skills? Articulation? (or other "problems" mentioned)

> Does my child learn best through hearing, seeing, doing, or a combination?

> What does my child do during free-time activities at school?

> How does the teacher you are recommending for my child handle things such as homework assignments, progress reporting, and other communication? How does the teacher want me to respond?

> What type of discipline does the teacher use, and what is effective with my child at school?

> Are there books I should be reading or materials I should have around the house?

> Are there any things we should work on at home to improve the problem? (behavior, study habits, reading, independence/ confidence building, attention to tasks, etc.)

> How is my child achieving compared to his or her ability?

> Exactly what parts of the school day will my child be involved in special education? Why?

> How will my child's program and grades be coordinated among the various educational staff involved?

D. **Parents' Dictionary of Terms used in Special Education**
(Portions reprinted with the permission of NICHCY-National Information Center for Children and Youth with Disabilities)

ADVOCATE - someone who takes action to help someone else (as in "educational advocate"); also, to take action on someone's behalf.

APPEAL - a written request for a change in a decision; also, to make such a request.

APPROPRIATE - able to meet a need; in special education, it usually means the most normal setting possible.

ASSISTIVE TECHNOLOGY - A device or service required if "educationally" relevant and necessary to enable a child to be educated in the least restrictive environment

1. *Assistive technology device* - any item, piece of equipment or product system used to increase, maintain or improve the functional capabilities of a child with a disability; and
2. *Asstistive technology services* - any services that directly assist a child with a disability or others as appropriate, in the selection, acquisition or use of an assistive technology device.

AT PUBLIC EXPENSE - 1) means the district pays for the full cost of the independent education evaluation or insures that an educational evaluation of the child is provided at no cost to you, the parent; - 2) means the district pays for the full cost for the education services of the child as outlined in the IEP.

AT RISK - a term used with children who have, or could have, problems with development that may affect later learning.

CONSENT - what parents may give after they have been fully informed of all the information regarding the activity the district wants to implement. This information must be provided to the parents in their native language or mode of communication. Parental consent is voluntary and may be revoked.

DEVELOPMENTAL HISTORY - the progress in the steps or stages of growth of a child (ages birth to 18 years) in such skills as sitting, walking, and talking.

DISABILITY - the result of any physical or mental condition that affects or prevents one's ability to develop, achieve, and/or function in an educational setting at a normal rate.

DUE PROCESS (PROCEDURE) - action that protects a person's rights; in special education, this applies to action taken to protect the educational rights of students with disabilities.

ELIGIBLE - able to qualify to receive special education services.

EVALUATION - a collecting and bringing together of information about a child's learning needs, which may include social, psychological, and educational evaluations used to determine assignment to special programs or services; a process using observation, testing, and test analysis to determine an individual's strengths and weaknesses to plan his or her educational services. Parental consent for initial evaluation must be obtained for this process. See Section B for further explanation.

EVALUATION TEAM - a team of people from different areas of expertise who observe and test a child to find out his or her strengths and weaknesses.

FREE APPROPRIATE PUBLIC EDUCATION [often known as *FAPE*] - one of the key requirements of Public Laws 94-142 and 101-476, which states that an education program be provided to all eligible children (regardless of disability) without cost to families; the exact meanings of "appropriate" are not defined, but other references within the law imply the most "normal" setting available.

IDEA - abbreviation of the title of Public Law 101-476, **I**ndividuals with **D**isabilities **E**ducation **A**ct.

IDENTIFICATION - the process of locating and identifying children needing special services.

INDEPENDENT (OUTSIDE) EVALUATION - an evaluation done by a qualified examiner outside the school system which must be considered by the school system in making decisions about the child's education.

INDIVIDUALIZED EDUCATION PROGRAM (IEP) - a written education plan for an eligible child with disabilities developed by a team of professionals (teachers, therapists, etc.) and the child's parents; it is reviewed and updated yearly and describes how the child is presently doing, what the child's learning needs are, and what services the child will need. (For children ages up to 3 years, the Individualized Family Service Plan, [IFSP] is used).

INDIVIDUALIZED FAMILY SERVICE PLAN (IFSP) - a written statement for an infant or toddler (ages birth up to 3 years old) developed by a team of people who have worked with the child and the family; the IFSP must contain the child's level of development, strengths and needs, major goals or outcomes expected, services needed, date of the next evaluation, and the starting date of the present IFSP.

LEAST RESTRICTIVE ENVIRONMENT (LRE) - an educational setting or program that provides a student with disabilities the chance to work and learn to his or her ability; it also provides the student with as much contact as appropriate with children without disabilities, while meeting all of the child's learning needs and physical requirements.

NETWORK - in special education, a system made up of people who *connect* with one another to exchange information and share resources.

PARENT TRAINING AND INFORMATION PROGRAMS - programs that provide information to parents of children with special needs about acquiring services, working with schools and educators to ensure the most effective educational placement for their child, understanding the methods of testing and evaluating a child with special needs, and making informed decisions about their child's special needs.

PLACEMENT - the classroom, program, level of service, and/or therapy that is selected for a student with special needs.

POLICY/POLICIES - rules and regulations; as related to early intervention and special education programs, the rules that a state or local school system has for providing services for and educating students with special needs.

PRIOR WRITTEN NOTICE - a written document the district gives to the parents of special education students when the district proposes or refuses to initiate a change in the identification, evaluation, placement or provision of free appropriate public education. This document must include 1) a description of the action proposed or refused and why that action was taken; 2) any other options considered in taking that action and why those were refused; 3) which tests, evaluations, or records the school used to support that action; 4) a description of any other factors involved in taking the action; 5) and a full written explanation of procedural safeguards.

PROGRAM(S) - in special education, a service, placement, and/or therapy designed to help a child with special needs.

PUBLIC LAW (P.L.) 94-142 - a law passed in 1975 requiring that public schools provide a *free appropriate public education* to school-aged children ages 3-21 (exact ages depend on the state's mandate), regardless of disability; (also called the Education for All Handicapped Children Act).

PUBLIC LAW (P.L.) 101-476 -a law passed in 1990 requiring that public schools continue to provide a *free appropriate public education* to children ages 3-21 including Autism and Traumatic Brain Injury, regardless of the disability; (also called the Individuals with Disabilities Education Act).

PUBLIC LAW (P.L.) 102-119 - an amendment to P.L. 99-457 which requires states and territories to provide a *free, appropriate public education* to all eligible children ages 3-5 and provides funds for states and territories to coordinate services to infants and children with disabilities ages birth up to 3 years.

RELATED SERVICES - transportation and developmental, corrective, and other support services that a child with disabilities requires in order to benefit from education; examples of related services include but are not limited to: assistive technology, speech pathology and audiology, psychological services, physical and occupational therapy, recreation, counseling services, interpreters for the hearing impaired, social work services for educational purposes, rehabilitation counseling, and medical services for diagnostic and evaluation purposes.

SERVICE(S) DELIVERY - the services (therapy, instruction, treatment) provided a child with special needs.

SPECIAL EDUCATION - *see special education programs and services.*

SPECIAL EDUCATION PROGRAMS/SERVICES - programs, services, or specially designed instruction (offered at no cost to families) for children ages 3 - 21 with special needs to meet the unique needs of a disabled child. These programs/services include special learning methods or materials in the regular classroom, special classes and programs, instruction at home or in hospitals and institutions, or other settings if the learning or physical problems require these. These services also include related services to meet the special needs of eligible children at no cost to the parent.

SPECIAL NEEDS (as in a child with "special needs") - a term to describe a child who has disabilities or one who is at risk for developing disabilities and who requires special services or treatment in order to progress.

STATE EDUCATION AGENCY - the agency or office within each state that oversees special education policy and coordinates special education programs and services for public school systems in that state.

SURROGATE PARENT - a person appointed by the court to function in the role of parent for a child when the natural parent can not be identified or located. The person has all the same rights as a natural parent for special education procedures.

TRANSITION SERVICES - a set of activities which prepares a student with a disability for the move from school to post-school activities such as employment, post-secondary education, adult services, independent living, or community participation. Transition services, included annually in the IEP for students by age 16 and earlier when required, are based on the student's needs, preferences, and interests. Transition activities must include instruction,
community experiences, the development of employment and post-school living objectives, and can include daily living skills training and vocational education.

E. National Organizations/Offices for Resource Information

American Civil Liberties Union
132 W. 43rd St.
New York, NY 10036
(212) 944-9800

American Occupational Therapy Association (AOTA)
720 Montgomery Lane
P.O. Box 31220
Bethseda, MD 20824-1220
(301) 652-2682 or 1-800-377-8555
(301) 652-6611 (Voice Mail)

American Psychiatric Association
1400 "K" St., N.W.
Washington DC 20005
(202) 682-6175

American Physical Therapy Association (APTA)
1111 North Fairfax Street
Alexandria, VA 22314
(703) 684-2782

American Speech-Language-Hearing Association (ASHA)
State & Regulatory Policy Division
10801 Rockville Pike
Rockville, MD 20852
(301) 897-5700 (Voice/TDD) or 1-800-638-8255

Association for Persons with Severe Handicaps (TASH)
7010 Roosevelt Way, N.E.
Seattle, WA 98115
(206) 523-8446

Association for Retarded Citizens of the United States (ARC)
500 E. Border, Ste. 300
Arlington, TX 76010
(817) 261-6003 or 1-800-433-5255

Association for the Care of Children's Health (ACCH)
3615 Wisconsin Ave., N.W.
Washington, D.C. 20016
(402) 244-1801

Bazelon Center For Mental Health Law
1101 15th St., N.W., Suite 1212
Washington, D.C. 20005
(202)467-5730

Center for Special Education Technology
Council for Exceptional Children (CEC)
1920 Association Drive
Reston, VA 22091-1589
(703) 620-3660 or 1-800-845-6232

Children's Defense Fund
25 "E" St., N.W.
Washington, D.C. 20001
(202) 628-8787 or 1-800-CDF-1200

Council of State Administrators of Vocational Rehabilitation
P.O. Box 3776
Washington, D.C. 20007
(202) 638-4634

Disability Rights Education & Defense Fund, Inc.
1633 "Q" St. N.W., Ste 220
Washington, D.C. 20009
(202) 328-0272 or 1-800-466-4232

Disabled Sports, U.S.A.
451 Hungerford Dr., Ste. 100
Rockville, MD 20850
(202) 393-7505

Epilepsy Foundation of America (EFA)
4351 Garden City Drive, Suite #406
Landover, MD 20785
(301) 459-3700 or 1-800-332-1000

ERIC Clearinghouse on Handicapped and Gifted Children
Council for Exceptional Children (CEC)
1920 Association Drive
Reston, VA 22091-1589
(703) 620-3660 or 1-800-328-0272

Federation for Children With Special Needs
95 Berkley St., Ste. 104
Boston, MA 02116
(617) 482-2915

Higher Education and Adult Training for people with Handicaps (HEATH)
One Dupont Circle, N.W., Suite 800
Washington, D.C. 20036-1193
(202) 939-9320 or (202) 939-9300 or 1-800-544-3284 (Voice/TDD)

Independent Living Research Utilization Project (ILRU)
The Institute for Rehabilitation and Research
3400 Bissonnet, Suite 101
Houston, TX 77005
(713) 666-6244

Learning Disabilities Association of America (LDA)
4156 Library Road
Pittsburgh, PA 15234
(412) 341-1515 or (412) 341-8077

March of Dimes Birth Defects Foundation
1275 Mamaroneck Avenue
White Plains, NY 10605
(914) 428-7100

Mental Health Association
National Headquarters
1021 Prince St.
Alexandria, VA 22314
(703) 684-7722

Mental Health Policy Resource Center
1101 1st Street N.W. Ste 1212
Washington D.C. 20005
(202) 467-5730 or (202) 755-7710 (Can Call Collect)

Mexican-American Legal Defense & Education Fund
182 2nd St., 2nd Floor
San Francisco, CA 94105
(415) 543-5598

Mission on Mental and Physical Disability Law
1800 "M" St. N.W. , Ste. 200
Washington, D.C. 20036-5886
(202) 331-2240

Muscular Dystrophy Association (MDA)
810 Seventh Avenue
New York, NY 10019
(212) 586-0808

National Alliance for the Mentally Ill (NAMI)
200 N. Glebe Rd, Ste 1015
Arlington, VA 22203-3754
(703) 524-7600 or 1-800-950-6264

National Association for Parents of the Visually Impaired
P.O. Box 317
Watertown MA 02272
(617) 972-7442 or 1-800-562-6265

National Association of the Deaf
814 Thayer Ave.
Silver Spring, MD 20910
(301) 587-1788 (Voice and TTY)

National Association of the Deaf Legal Defense Fund
P.O. Box 2304
800 Florida Ave., N.E.
Washington, D.C. 20002
(202) 651-5343

National Association of Psychiatric Health Systems
1319 "F" St., N.W.
Washington, D.C. 20004
(202) 393-6700

National Association of Psychiatric Treatment Center
2000 "L" St., N.W., Ste. 200
Washington, D.C. 20036
(202) 383-6700

National Association of State Directors of Special Education
1800 Diagonal Rd, Ste 320
Alexandria VA 22314
(717) 519-3800

National Association of State Mental Health Program Directors
1101 King St , Ste 160
Alexandria, VA 22314
(703) 739-9333

National Association of State Mental Retardation Program Directors, Inc.
113 Oronoco St
Alexandria, VA 22314
(703) 683-4202

National Association of Work Force Development Professionals
1620 "I" St., N.W., Ste LL30
Washington, D.C. 20006
(202) 887-6120

National Center for Law and Deafness
800 Florida Ave., N.E.
Washington, D.C. 20002
(202) 651-5373

National Center for Learning Disabilities
381 Park Ave. S., Suite 1420
New York, NY 10016
(212) 545-7510

National Conference of State Legislatures
444 N. Capitol St., N.W., Ste. 515
Washington, D.C. 20001
(202) 624-5400

National Consortium for Child and Adolescent Mental Health Services
601 13th St., N.W., Ste. 400 North
Washington, D.C. 20005
(202) 347-8600

National Council on the Handicapped
800 Independence Ave. S.W.,Suite 814
Washington, D.C. 20591
(202) 267-3846

National Foster Parent Association, Inc.
P.O. Box 12131/San Francisco, CA 94112 or;
226 Kilts Drive/Houston, TX 77024
(713) 467-1850

National Governors' Association
Public Affairs
444 North Capitol St., N.W., Ste. 267
Washington, D.C. 20001
(202) 624-5330

National Head Injury Foundation, Inc.
1776 Massachusetts Ave. N.W., Ste. 100
Washington D.C. 20036-1904
(202) 296-6443

National Head Start Association
201 N. Union St., Ste. 320
Alexandria, VA 22314
(703) 739-0875

National Health Care Foundation for the Deaf
3521 12th St., N.E.
Washington, DC 20017
(202) 832-6681

National Health Information Center
P.O. Box 1133
Washington, D.C. 20013-1133
(301) 565-4167 (in Maryland) or 1-800-336-4797

National Information Center for Children and Youth with Disabilities (NICHCY)
P.O. Box 1492
Washington, D.C. 20013-1492
(202) 884-8200 or 1-800-695-0285 (Toll-Free, Voice/TT)

National Information Center on Deafness (NICD)
Gallaudet University
800 Florida Avenue, N.E.
Washington, D.C. 20002-3695
(202) 651-5051 (Voice) or (202) 651-5052 (TDD)

National Library Service for the Blind & Physically Handicapped
The Library of Congress
Washington, D.C. 20542
(202) 287-5100

National Organization on Disability
910 16th St., N.W., Ste 600
Washington, D.C. 20006
(202) 293-5960

National Rehabilitation Information Center (NARIC)
8455 Colesville Road, Suite 935
Silver Spring, MD 20910-3319
(301) 588-9284 or 1-800-346-2742 (Voice/TDD)

Office of Special Education and Rehabilitation Services (OSERS)
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202
(202) 655-4000

Organization for United Response (OURS), Inc.
(for adoptive parents of special ed. children)
3307 Highway 100, North - Suite #203
Minneapolis, MN 55422
(612) 535-4829 or 1-800-372-3300

Orton Dyslexia Society
P.O. Box 9888
Baltimore, MD 21284
(410) 296-0232 or 1-800-222-3123

Parent Educational Advocacy Training Center
10340 Democracy Lane, Ste. 206
Fairfax, VA 22030
(703) 691-7826

President's Committee on Employment of People with Disabilities
1331 "F" St., N.W., 3rd Floor
Washington, D.C. 20004-1107
(202) 376-6200

President's Committee on Mental Retardation
Wilbur J. Cohen Fed. Bldg., Rm. 5325
330 Independence Ave., S.W.
Washington, D.C. 20201
(202) 619-0634

Public Education Association
39 W. 32nd St., 15th floor
New York, NY 1001
(212) 868-1640

Special Olympics
1325 "G" St. N.W. , Ste. 500
Washington, D.C. 20005
(202) 628-3630

Trace Research and Development Center on Communication, Control, and Computer Access for Handicapped Individuals
S-151 Waisman Center
1500 Highland Avenue
University of Wisconsin-Madison
Madison, WI 53705
(608) 262-6966

National Toll-Free Numbers:
(TDD=Telecommunications Device for the Deaf)

Access to Recreation	800-634-4351
ADD Warehouse	800-233-9273
AL-ANON Family Group (alcohol)	800-356-9996
Alcohol & Drug Hotline	800-821-4357
Alliance of Genetic Support Groups	800-336-4363
Alzheimer's Disease Association	800-272-3900
AMC Cancer Information Center	800-525-3777
American Academy of Allergy & Immunology	800-822-2762
American Assn. of Kidney Patients	800-749-2257
American Assn. on Mental Retardation	800-424-3688
American Brain Tumor Assn.	800-866-2283
American Burn Association	800-548-2876
American Cleft Palate Educational Foundation	800-242-5338
American Council of the Blind	800-424-8666
American Diabetes Assn.	800-232-3472
American Foundation for the Blind	800-232-5463
American Foundation for Urological Disease	800-242-2383
American Health Assistance Foundation	800-437-2423
American Heart Association	800-242-1793
American Horticulture Therapy Association (for disabilities)	800-634-1603
American Kidney Fund	800-638-8299
American Leprosy Missions	800-543-3131
American Liver Foundation	800-223-0179
American Lupus Society	800-331-1802
American Mental Health Fund	800-433-5959
American Paralysis Association	800-526-3456
American Parkinsons Disease Assn.	800-223-2732
American Rehabilitation Assn.	800-368-3513
American Speech-Language-Hearing Assn.	800-638-8255
American Trauma Society Association (Voice/TDD)	800-556-7890
Amyotrophic Lateral Sclerosis	800-782-4747
Apple Office of Special Education	800-776-2333
ARC (Assn. for Retarded Citizens)	800-433-5255
Arthritis Foundation	800-283-7800
Arthritis Information Service	800-345-6780
Association for Retarded Citizens of the U. S.	800-433-5255

Asthma & Allergy Foundation of America	800-727-8462
AT & T Accessible Products Center	800-233-1222
AT & T National Special Needs Center	800-833-3232
Beech-Nut Nutrition Hotline	800-523-6633
Breast Cancer (I'm Aware)	800-462-9273
Burn Survivors (Phoenix Society)	800-888-2876
Cancer Information Service National Hotline	800-422-6237
Candlelighters Childhood Cancer Foundation	800-366-2223
Captioned Films/Videos (Hearing Impaired) Voice/TDD	800-237-6213
Center for Rehabilitation Technology	800-726-9119
Center for Special Education Technology	800-845-6232
Center for Substance Abuse Treatment/ National Drug Hotline	800-662-4357
Children's Hospice International	800-242-4453
Children's Wish Foundation	800-722-9474
Cooley's Anemia	800-221-3571
Cornelia DeLange Syndrome Foundation	800-223-8355
Council for Exceptional Children	800-845-6232
Crohn's & Colitis Foundation of America	800-343-3637
Cystic Fibrosis Foundation	800-344-4823
Deafness Research Foundation	800-535-3323
Diabetes Treatment Center	800-562-9803
Dial a Hearing Screening Test (Voice)	800-222-3277
Digestive Health Information, Glaxo Institute	800-232-4434
Disabilities Helpline of Arizona	800-352-3792
Disassociative Disorders	800-462-7759
Dyslexia Outreach Services	800-824-7323
EAR Foundation	800-545-4327
Easter Seal Society	800-221-6827
Educators Publishing Network (JAN)	800-225-5750
EPA Indoor Air Quality Information Clearinghouse	800-438-4318
Epilepsy Foundation of America	800-332-1000
ERIC Clearinghouse Adult & Career & Vocational Education	800-848-4815
Family Support & Information Network	800-852-0042
Federal Hill-Burton Free Care Program	800-638-0742
Footcare Information Center	800-366-8227
Foster Care Coalition	800-367-8373
Foster Children	800-950-4673
Fragile X Foundation	800-688-8765

Grapevine (Hearing Impaired) Voice/TDD	800-352-8888
from California (Voice/TDD)	800-346-8888
Guide Dog Foundation for the Blind	800-548-4337
Handicapped Driving Systems, Inc.	800-826-6176
Handicapped Media, Inc.	800-321-8708
Handicapped Travel	800-682-8886
Handicapped Van Rental	
(Wheelchair Getaways)	800-256-5423
Hansen's Disease	800-543-3131
Health Care Financing Administration	800-638-6833
Hearing Aid Helpline (Voice)	800-521-5247
Hearing Information Center	800-622-3277
HEATH - Post Secondary Options for People	
with Disabilities (Voice/TDD)	800-544-3284
Higher Education and Adult Training for People	
with Handicaps (HEATH) Voice/TDD	800-544-3284
HUD User	800-245-2691
Human Growth Foundation	800-451-6434
Huntington's Disease Society of America	800-345-4372
Immunology & Respiratory Medicine	800-222-5864
International Shriner Headquarters	800-237-5055
Job Accommodation Network (JAN)	800-526-7234
Job Opportunities for the Blind (JOB)	800-638-7518
John Tracy Clinic on Deafness (Voice/TDD)	800-522-4582
Juvenile Diabetes Foundation Hotline	800-223-1138
Living Bank (Organ Donors)	800-528-2971
Lou Gehrig's Disease	800-782-4747
Lung Line	800-222-5864
Lupus Foundation of America	800-558-0121
Make-A-Wish Foundation	800-722-9474
Medicare Hotline	800-638-6833
March of Dimes (from some areas)	800-326-2229
Myasthenia Gravis Foundation	800-541-5454
Mental Health	800-421-6263
National Adolescent Suicide	800-621-4000
National Adoption Center	800-862-3678
National AIDS Information Clearinghouse	800-458-5231
National Assn. of Rehabilitation Facilities	800-368-3513
National Assn. for Hearing & Speech Action	800-638-8255
National Assn. for Parents of the	
Visually I mpaired	800-562-6265
National Assn. for Sickle Cell Disease, Inc.	800-421-8453
National Assn. for the Dually Diagnosed	800-331-5362

National Cancer Institute Information Service	800-422-6237
National Center for Low Vision & Continuing Ed.	800-334-5497
National Center for Stuttering	800-221-2483
National Center for Missing and Exploited Children	800-843-5678
National Center for Youth with Disability	800-333-6293
National Child Abuse Hotline	800-422-4453
National Clearinghouse for Alcohol and Drug Information	800-662-4357
National Committee for Citizens in Education	800-638-9675
National Council on Child Abuse and Family Violence	800-222-2000
National Cystic Fibrosis Foundation	800-344-4823
National Down Syndrome Congress	800-232-6372
National Down's Syndrome Society	800-221-4602
National Drug Hotline	800-662-4357
National Easter Seal Society	800-221-6827
National Eye Care Project Hotline	800-222-3937
National Foundation for Facial Reconstruction	800-422-3223
National Foundation for Cancer Research	800-321-2873
National Head Injury Foundation	800-444-6443
National Headache Foundation	800-843-2256
National Health Information Clearinghouse	800-336-4797
National Hearing Aid Society	800-521-5247
National Info. Center for Children & Youth with Disabilities (NICHCY)	800-695-0285
National Info. Clearinghouse for Infants with Disabilities & Life-Threatening Conditions	800-992-9234 , ext. 201
National Info. Clearinghouse on Children Who are Deaf-Blind	800-438-9376
National Information System for Health Related Services	800-922-9234
National Jewish Ctr. for Immunology & Respiratory Medicine	800-222-5864
National Kidney Foundation	800-622-9010
National Library Serv. for the Blind and Physically Handicapped	800-424-8567
National Lymphedema Network	800-541-3259
National Marrow Donor Program	800-654-1247
National Mental Health Assn. Information Center	800-433-5959
National Mobility Equip. Dealers	800-833-0427
National Multiple Sclerosis Soc.	800-445-2453

National Neurofibromatosis Foundation	800-323-7938
National Org. for Albinism & Hpyopigmentation	800-473-2310
National Org. for Rare Disorders (NORD)	800-447-6673
National Org. on Disability	800-248-2253
National Osteoporosis Foundation.	800-223-9994
National Parkinson Foundation	800-327-4545
National PesticideTelecommunications Network	800-858-7378
National Rehabilitation Info. Ctr.	800-346-2742
National Retinitis Pigmentosa Foundation	800-683-5555
National Reyes Syndrome Foundation.	800-233-7393
National Runaway Switch Board	800-621-4000
National Sexually Transmitted Diseases Hotline	800-227-8922
National Society to Prevent Blindness	800-683-5555
National Special Needs Center	800-233-1222
National Spinal Cord Injury Hotline	800-526-3456
National Tuberous Sclerosis Assn.	800-225-6872
Occupational Hearing Serv. (Voice)	800-222-3277
Office for Civil Rights	800-368-1019
Orphan Foundation	800-950-4673
Orton Dyslexia Society	800-222-3123
Paralysis Research Org. Inc.	800-424-2873
Parents Against Cancer Together	800-962-4748
Parents Anonymous	800-421-0353
Parents of Near Drownings	800-648-9111
Parkinson Education	800-344-7872
Parkinson Disease Foundation	800-457-6676
Pesticide Information Clearinghouse	800-858-7378
Public Health Service AIDS Hotline (English)	800-342-2437
(Spanish)	800-344-7432
Recording for the Blind	800-221-4792
Research to Prevent Blindness	800-621-0026
Shriners' Hospital	800-237-5055
from Florida	800-282-9161
from Canada	800-361-7256
Simon Foundation (Incontinence)	800-237-4666
Social Security Administration	800-772-1213
Special Awareness - Bed Wetting Control	800-225-3791
Special Needs Center	800-433-8505
Spina Bifida Assn.	800-847-2262
Spina Bifida Assn. of America	800-621-3141
Stuttering Foundation of America	800-992-9392

Sudden Infant Death Syndrome	800-638-7437
Tele-Consumer Hotline for the Handicapped	800-332-1124
Tourette Syndrome Assn.	800-237-0717
Toys (Safe) Consumer Products Safety Commission	800-638-2772
Tripod Service for Hearing Impaired	800-352-8888
United Cerebral Palsy Assoc.	800-872-5827
United Leukodystrophy Foundation	800-728-5483
United Scleroderma Foundation, Inc.	800-722-4673
U.S. Department of Education	800-647-8733
U.S. Office of Special Ed. & Rehab. Services	800-473-2310
Visiting Nurse Assn. of America	800-426-2547
Washington Connection (Council of the Blind)	800-424-8666
Wheelchair Sports	800-458-8553
Zebley Implementation Hotline (Advisers to claimants of SSI denials under Zebley)	800-523-0000

REGIONAL ORGANIZATIONS FOR PARENT SUPPORT

Arizona Center for Disability Law
3724 N. 3rd Street - Suite 300
Phoenix, AZ 85012
Phone: (602) 274-6287
1-800-927-2260

Arizona Center for Disability Law
3208 E. Ft. Lowell - Suite 106
Tucson, AZ 85716
Phone: (602) 327-9547
1-800-992-1447

Association for Retarded Citizens of Arizona (ARC)
5610 South Central Avenue
Phoenix, AZ 85040
Phone: (602) 243-1787
1-800-252-9054

M.I.K.I.D. - Mentally Ill Kids in Distress
2441 E. Fillmore
Phoenix, AZ 85008
Phone: (602) 220-9846
1-800-35-MIKID

The Governor's Council on Developmental Disabilities
1717 W. Jefferson - Room 112
Phoenix, AZ 85007
Phone: (602) 542-4049

Governor's Office for Children
1645 W. Jefferson
Phoenix, AZ 85007
Phone: (602) 542-3191

Learning Disabilities Association of Arizona
P.O. Box 30606
Phoenix, AZ 85046
Phone: (602) 495-1175

Pilot Parent Partnerships
4750 N. Black Canyon Hwy, #101
Phoenix, AZ 85017
Phone: (602) 242-4366
1-800-237-3007

NUMBERS MOST FREQUENTLY CALLED

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RECEIPT FOR RIGHTS & ROLE BOOKLET

Name of Student _____

Date of Birth _____ School _____

This is to verify that I have received a copy of *Learning Your Rights & Role in Special Education Services, 1995,* which informs me of my rights throughout the special educational process. These rights have been explained to me by:

_____ _____
Name Position

on _____
Date

I understand that my rights include the right to receive:

(1) this and all other written notices in the language I understand (primary language) or, if needed, a translation of such orally, in sign language, or in braille as appropriate, and

(2) answers from school personnel to additional questions I may have.

My signature below indicates that I received the booklet and understand its contents.

_____
Signature of Parent, Surrogate Parent, Guardian, or Adult Student

_____
Date Signed

_____
Signature of Interpreter, if used

_____
Date Signed

EXPLANATION OF PROCEDURAL SAFEGUARDS AVAILABLE TO PARENTS OF CHILDREN WITH DISABILITIES

PRIOR NOTICE TO PARENTS

The public agency must provide prior written notice to the parents of a child with disabilities each time it proposes or refuses to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child.

The notice must include:

1) A full explanation of all of the procedural safeguards available to parents;
2) A description of the action proposed or refused by the agency, an explanation of why the agency proposes or refuses to take the action, and a description of any options the agency considered and the reasons why those options were rejected;
3) A description of each evaluation procedure, test, record, or report the agency uses as a basis for the proposal or refusal; and
4) A description of any other factors which are relevant to the agency's proposal or refusal.

The notice must be written in language understandable to the general public, and provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. If the native language or other mode of communication of the parent is not a written language, the State or local education agency shall take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication; that the parent understands the content of the notice; and that there is written evidence that these requirements have been met.

PARENT CONSENT

The public agency must obtain parent consent before conducting preplacement evaluation or initial placement of a child with disabilities in a program providing special education and related services. Arizona requires parental consent before a child with disabilities is evaluated or initially provided special education and related services. State procedures govern the public agency in overriding a parent's refusal to consent. Except for preplacement evaluation and initial placement, consent may not be required as a condition of any benefit to the parent or child.

INDEPENDENT EDUCATIONAL EVALUATION

As explained here, the parents of a child with disabilities have the right to obtain an independent educational evaluation of the child.

A parent has the right to an independent educational evaluation at public expense if the parent disagrees with an evaluation obtained by the public agency. However, the public agency may initiate a due process hearing to show that its evaluation is appropriate. If the final decision is that the evaluation is appropriate, the parent still has the right to an independent educational evaluation, but not at public expense. If the parent obtains an independent educational evaluation at private expense the results of the evaluation must be considered by the public agency in any decision made with respect to the provision of a free appropriate public education to the child, and may be presented as evidence at a due process hearing regarding the child.

If a hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at public expense.

Each public agency shall provide to parents, on request, information about where an independent educational evaluation may be obtained.

Whenever an independent evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, must be the same as the criteria which the public agency uses when it initiates an evaluation.

IMPARTIAL DUE PROCESS HEARING

A parent or a public educational agency may initiate a hearing regarding the public agency's proposal or refusal to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate public education to the child.

The hearing will be conducted by the public agency directly responsible for the education of the child.

The public agency shall inform the parent of any free or low-cost legal and other relevant services available in the area if the parent requests the information or the parent or the agency initiates a due process hearing.

IMPARTIAL HEARING OFFICER

A hearing may not be conducted by a person who is an employee of a public agency which is involved in the education or care of the child, or by any person having a personal or professional interest which would conflict with his or her objectivity in the hearing. (A person who otherwise qualifies to conduct a hearing is not an employee of the agency solely because he or she is paid by the agency to serve as a hearing officer.)

Each public agency shall keep a list of the persons who serve as hearing officers. The list must include a statement of the qualifications of each of those persons.

The public agency shall ensure that a final hearing decision is reached and mailed to the parties within 45 days after the receipt of a request for a hearing, unless the hearing officer grants a specific extension at the request of either party.

The decision made in a due process hearing is final, unless a party to the hearing appeals the decision under the procedures for impartial administrative appeal described below. Arizona is a two-tier state.

DUE PROCESS HEARING RIGHTS

Any party to a hearing has the right to:

1) Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;
2) Present evidence and confront, cross-examine, and compel the attendance of witnesses;
3) Prohibit the introduction of any evidence at the hearing that has not been disclosed to the party at least five days before the hearing;
4) Obtain written or electronic verbatim record of the hearing;
5) Obtain written findings of fact and decisions. (After deleting any personally identifiable information, the public agency shall transmit those findings and decisions to the State advisory panel and make them available to the public.)

Parents involved in hearings must be given the right to have the child who is the subject of the hearing present, and to open the hearing to the public.

Each hearing must be conducted at a time and place which is reasonably convenient to the parents and child involved.

ADMINISTRATIVE APPEAL; IMPARTIAL REVIEW

Any party aggrieved by the findings and decision in the hearing may appeal to the State educational agency. If there is an appeal, the State educational agency shall conduct an impartial review of the hearing. The official conducting the review shall:

1) Examine the entire hearing record;
2) Insure that the procedures at the hearing were consistent with the requirements of due process;
3) Seek additional evidence if necessary. If a hearing is held to receive additional evidence, the hearing rights described above apply;
4) Afford the parties an opportunity for oral or written argument, or both, at the discretion of the reviewing official;
5) Make an independent decision on completion of the review; and
6) Give a copy of written findings and the decision to the parties. (After deleting any personally identifiable information, the state shall transmit those findings and decisions to the State Advisory Committee and make them available to the public.)

Each review involving oral arguments must be conducted at a time and place which is reasonably convenient to the parents and child involved.

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The State educational agency shall ensure that a final decision is reached in an administrative review and mailed to the parties within 30 days after the receipt of a request for review, unless the reviewing official grants a specific extension at the request of either party. The decision made by the reviewing official is final, unless a party brings civil action under the procedures described below.

CIVIL ACTION

Any party aggrieved by the findings and decision made in an administrative review has the right to bring a civil action in State or Federal Court.

During the pendency of any administrative or judicial proceeding regarding a complaint, unless the public agency and the parents agree otherwise, the child involved in the complaint must remain in his or her present educational placement.

If the hearing involves an application for initial admission to public school, the child, with the consent of the parents, must be placed in the public school program until the completion of all the proceedings.

AWARD OF ATTORNEY FEES

In any action or proceeding brought under Part B of the Individuals with Disabilities Education Act, the court may award reasonable attorneys' fees to the parents or guardians of a child or youth with disabilities who is the prevailing party.

SURROGATE PARENTS

Each public agency shall ensure that an individual is assigned to act as a surrogate for the parents of a child when no parent can be identified, the public agency, after reasonable efforts, cannot discover the whereabouts of a parent, or the child is a ward of the State under the laws of the State. The agency must have a method for determining whether a child needs a surrogate parent, and for assigning a surrogate parent to the child.

The public agency may select a surrogate parent in any way permitted under State law, but must ensure that a person selected as a surrogate is not an employee of a public agency which is involved in the education or care of the child, has no interest that conflicts with the interest of the child he or she represents, and has knowledge and skills that ensure adequate representation of the child. (An individual is not disqualified as an agency employee from appointment as a surrogate solely because he or she is paid by the agency to serve as a surrogate parent.)
The surrogate parent may represent the child in all matters relating to the identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education to the child.

ACCESS TO RECORDS

Each agency shall permit parents to inspect and review any education records relating to their child with respect to identification, evaluation, and educational placement of the child, and the provision of a free appropriate public education to the child, which are collected, maintained, or used by the agency under this part. The agency shall comply with a request without unnecessary delay and before any meeting regarding an individualized education program or hearing relating to the identification, evaluation, or placement of the child, and in no case more than 45 days after the request has been made.

The right to inspect and review education records under this section includes:

1) The right to a response from the participating agency to reasonable requests for explanations and interpretations of the records;
2) The right to have a representative of the parent inspect and review the records; and
3) The right to request that the agency provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records.

An agency may presume that the parent has authority to inspect and review records relating to his or her child unless the agency has been advised that the parent does not have the authority under applicable State law governing such matters as guardianship, separation, and divorce.

If any education record includes information on more than one child, the parents of those children shall have the right to inspect and review only the information relating to their child or to be informed of that specific information. Each agency shall provide parents on request a list of the type and locations of education records collected, maintained, or used by the agency.

FEES FOR SEARCHING, RETRIEVING, AND COPYING RECORDS

A participating agency may not charge a fee to search for or to retrieve information under this part.

An agency may charge a fee for copies of records which are made for parents under this part if the fee does not effectively prevent the parents from exercising their right to inspect and review those records.

RECORD OF ACCESS

Each public agency shall keep a record of parties obtaining access to education records collected, maintained, or used under this part (except access by parents and authorized employees of the participating agency), including the name of the party, date access was given, and the purpose for which the party is authorized to use the records.

AMENDMENT OF RECORDS AT PARENT'S REQUEST

A parent who believes that information in education records collected, maintained, or used under this part is inaccurate or misleading or violates the privacy or other rights of the child, may request the participating agency which maintains the information to amend the information.

The agency shall decide whether to amend the information in accordance with the request within a reasonable period of time of receipt of the request. If the agency decides to refuse to amend the information in accordance with the request it shall inform the parent of the refusal, and advise the parent of the right to a hearing as set forth below.

The agency shall, on request, provide the opportunity for a hearing to challenge information in education records to insure that it is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child; it shall amend the information accordingly and so inform the parent in writing.

If, as a result of the hearing, the agency decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it shall amend the information accordingly and so inform the parent in writing.

If, as a result of the hearing, the agency decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child, it shall inform the parent of the right to place in the records it maintains on the child a statement commenting on the information or setting forth any reasons for disagreeing with the decision of the agency. Any explanation placed in the records of the child under this section must be maintained by the agency as part of the records of the child as long as the record or contested portion ismaintained by the agency; is the record of the child or the contested portion is disclosed by the agency to any party, the explanation must also be disclosed to the party.

DEFINITIONS

"Consent" means that (a) The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication; (b) The parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) which will be released and to whom; and (c) The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time.

"Evaluation" means procedures used in accordance with §300.530-300.534 to determine whether a child is handicapped and the nature and extent of the special education and related services that the child needs. The term means procedures used selectively with an individual child and does not include basic tests administered to or procedures used with all children in a school, grade, or class.

"Independent educational evaluation" means an evaluation conducted by a qualified examiner who is not employed by the public agency responsible for education of the child in question. "Independent educational evaluation at public expense" means that the public agency either pays for the full cost of the evaluation or insures that the evaluation is otherwise provided at no cost to the parent.

July 1995

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